

REMARKS

Claims 1-5 are pending and under consideration.

In the office action of December 18, 2006, claims 1-5 were rejected. Claims 1-5 were rejected under 35 USC 112 due to an alleged non-enablement for the entire scope of original claims 1-5. Claim 5 was rejected under 35 USC 112 for not including a recitation of an electrolyte. Claims 1, 2, 4, and 5 were rejected as anticipate by JP 2002-373643. Claim 3 was rejected as obvious in view of JP 2002-373643.

Regarding the rejection of claims 1-5 under 35 USC 112 for non-enablement, although applicant disagrees and traverse the rejection, claims 1 and 5 have been amended to recite a litany of inorganic oxide compounds, thus meeting the objection. Applicants reserve the right to pursue claims having the scope of original claims 1-5 or any other claim supported by the specification in a continuation or divisional application.

Regarding the rejection of claim 5 under 35 USC 112, claim 5 has been amended to include a recitation of a nonaqueous electrolyte between the positive and negative active materials. Thus, this rejection as well has be overcome.

Regarding the rejection of claims 1, 2, 4 and 5 as anticipated by JP 2002-373643, the rejection is traversed. None of the LiFePO_4 , Li_3PO_4 , LiAlO_x , $\text{Li}_4\text{Ti}_5\text{O}_{12}$, Al_2O_3 , TiO_2 and MgO inorganic layers is disclosed or fairly taught, much less as coating on a compound oxide as claimed. Accordingly, it is submitted that claims 1, 2, 4, and 5 are not anticipated by JP 2002-373643.

Regarding the rejection of claim 3 (and by inference claims 1, 2, 4 and 5) as obvious in view of JP 2002-373643, this rejection similarly is traversed for the same reasons. There is no fair suggestion to use LiFePO_4 , Li_3PO_4 , LiAlO_x , $\text{Li}_4\text{Ti}_5\text{O}_{12}$, Al_2O_3 , TiO_2 and MgO inorganic layers to coat compound oxides as claimed. Accordingly this rejection should be withdrawn.

Finally, the foregoing points are made in the context of the amended claims. This arguments are not to be considered a concession in the rejection of the original claims.

In view of the foregoing, it is submitted that claims 1-5 are patentable and that the application is in condition for allowance. Notice to that effect is requested.

Respectfully submitted,

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By: /David R. Metzger/
David R. Metzger (Reg. No 32,919)
SONNENSCHN NATH & ROSENTHAL
P.O. Box 061080
Wacker Drive Station - Sears Tower

Phone: (312) 876-8000